

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 96-232-W - ORDER NO. 96-487  
JULY 18, 1996

IN RE: Concerned Citizens Against Carolina	)	ORDER
Water, Inc.,	)	
	)	
Complainant,	)	
	)	
vs.	)	
	)	
Carolina Water Service, Inc.,	)	
	)	
Respondent.	)	
	)	
	)	

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This matter comes before the Public Service Commission of South Carolina (the "Commission") on the complaint of Brenda Bryant, individually, and the Concerned Citizens Against Carolina Water, Inc. ("CCACW") against Carolina Water Service, Inc. ("CWS" or the "Company"). Ms. Bryant and CCACW alleged, amongst other items, in a Complaint filed on July 9, 1996, that the Company had improperly imposed a mandatory curtailment of outside water usage on the CWS service area located in Lexington County known as the the "I-20 area."

In response to the complaint and due to the urgency of the situation, an Emergency Order was issued on July 10, 1996, which set the hearing for July 17, 1996, in order that the Commission could inquire into and hear testimony regarding the circumstances

of the curtailment. The Company was directed to appear before the Commission at the time of the hearing. During its weekly meeting on Tuesday, July 16, 1996, at 11:15 a.m., the Commission considered the complaint and ratified the Emergency Order. The Commission limited its review to the curtailment situation and issues relevant thereto.

A hearing was held on this matter on July 17, 1996, at 10:30 a.m. in the offices of the Commission at 111 Doctors Circle, Columbia, South Carolina. The Honorable Guy Butler, Chairman, presided. Complainant Ms. Bryant represented herself pro se. CCACW was not represented by counsel; however, many residents of the I-20 area presented testimony as public witnesses. Robert T. Bockman, Esq., of McNair & Sanford, P.A., represented the Company. Elliott Elam, Esq., appeared on behalf of the Consumer Advocate for the State of South Carolina (the "Consumer Advocate"). Catherine D. Taylor, Staff Counsel, represented the Commission Staff (the "Staff").

Ms. Bryant and 14 public witnesses offered their sworn testimony at the hearing. The citizens generally complained of poor management at CWS and lack of action in responding to the area's water service needs presently and in the past. The witnesses expressed similar concerns regarding CWS's lack of preparation for hot, dry summer conditions which are typical for the Midlands of South Carolina. Such lack of preparation, as asserted by the citizens, led to the shortage and the curtailment of water usage.

Mr. Keith Murphy, CWS Regional Director, testified on behalf of the Company. Mr. Larry Boland, Manager of the Central Midlands EQC District, South Carolina Department of Health and Environmental Control (DHEC), was subpoenaed by Staff to testify at the hearing, and he so appeared. Charles Creech of the Commission Staff presented testimony on behalf of the Staff. The Consumer Advocate did not present any witnesses.

The various testimonies revealed that three rock wells in the I-20 service area were completely shut down by the Company in the fall of 1995 due to high mineral levels in the water. These wells provided approximately 300 gallons of water per minute. The decision to discontinue use of the wells was made in response to conversations with and testing by DHEC. The filters in the wells were no longer effective and required replacement. Over subsequent months, the Company worked toward replacement of the filters in coordination with DHEC. Certain required permits were obtained by the Company from DHEC, and some applications, plans and specifications were filed with DHEC by the Company. However, final engineering plans which were complete and which complied with DHEC's rules and regulations were never filed by CWS's engineers. According to testimony, DHEC had projected that the wells needed to be in working order by April 1996 in order to prepare for the summer months.

On July 2, 1996, the Company contacted DHEC regarding a potential emergency water shortage in the I-20 area. Above-ground storage tanks were emptying quickly. DHEC provided to the Company,

after contact by the Company, a letter of suggestions for remediation of the situation (Hearing Exhibit No. 10). Included in the letter is the suggestion of mandatory restrictions of water usage for nonessential activities. Such a restriction may be imposed by a company under certain conditions as described in the Commission's regulations. On May 21, 1996, the Company had requested curtailment of nonessential water usage outside of the home based on the customers' addresses and days of the week. On July 2, 1996, the Company requested that customers restrict all outside watering to off peak hours every other day. On July 3, 1996, the Company gave notice to customers in the I-20 area that a mandatory, total ban of all nonessential water usage was in effect.

DHEC had also suggested to the Company that CWS contact the City of West Columbia regarding potential temporary interconnection of the systems in order to supplement the water supply to maintain water pressure. On July 3, 1996, CWS and the City of West Columbia entered into a 30 day contractual agreement which allowed CWS to tap a two inch line through a fire hydrant to a West Columbia water line, thereby providing supplement water to the I-20 area. This connection was obtained quickly. Testimony revealed that the two inch line, as opposed to a larger line, was utilized because equipment for the line was readily available and less time was required for the interconnection of that size line. The interconnection is currently effective, and it provides approximately 100,000 gallons per day (approximately 100 - 160 gallons per minute). No extension of the agreement has been

obtained by CWS to date.

This matter now comes before us for adjudication. The Commission has considered all evidence as presented in the hearing. Therefore, we make the following findings:

(1) We hereby adopt Staff's recommendation regarding curtailment effective TODAY as follows:

The Company shall cease the mandatory curtailment now in effect. CWS residents in the I-20 area shall restrict their outside water usage in the following manner: Homes with even numbered addresses may use outside water for nonessential usage on Tuesdays, Thursdays and Saturdays. Homes with odd numbered addresses may use outside water for nonessential usage on Wednesdays, Fridays and Sundays. Therefore, there will be no nonessential usage on Mondays, and the respite should allow the wells to continue recovery. This plan will allow irrigation on the weekend for the consumers' convenience.

(2) Staff is instructed to coordinate with the Company and DHEC to formulate a plan of action to alleviate shortages in the future. Specifically, the plan should anticipate hot, dry weather continuing through the summer of 1996, thereby preparing the Company for potential shortages. The Staff shall submit a viable plan containing solutions to the shortage problem to the Commission for its review at its next scheduled meeting, Tuesday, July 30, 1996.

(3) Staff is instructed to investigate the institution of proceedings to pursue the \$50,000 bond of CWS on file pursuant to

Commission regulations, due to past failures and for protection against potential future failures, in order to provide adequate water service by the Company.

(4) The Commission finds that CWS is at fault for its failure to take action in response to and in compliance with DHEC's requests pertaining to the three rock wells taken out of service. The Company's failures contributed to the emergency shortage situation which occurred in July 1996.

(5) Should Staff feel that a consultant engineer would assist in the formulation of the plan (as discussed above in paragraph 1), then Staff may employ such qualified engineer for purposes of the planning. Funds obtained from the bond shall provide the compensation for the engineer.

(6) Staff shall investigate the contract for supplemental water between West Columbia and CWS entered into on July 3, 1996. This investigation shall focus on the failure of CWS to file the aforementioned contract after the date of execution for Commission approval. In addition, Staff shall research potential fines which may be imposed by the Commission on the Company for the Company's failure to file such contract for Commission approval.

Staff shall report its findings to the Commission at the Commission's next scheduled meeting.

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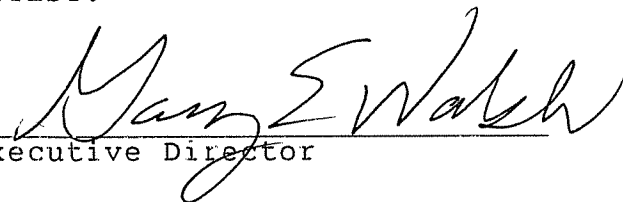
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This Order shall remain in full force and effect until further  
Order by the Commission.

BY ORDER OF THE COMMISSION:

ACTING   
Chairman

ATTEST:

  
Deputy Executive Director

(SEAL)